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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,418	06/29/2001	Janne Aaltonen	367.40304X00	5219

22907 7590 05/16/2006

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EXAMINER	
GELIN, JEAN ALLAND	
ART UNIT	**PAPER NUMBER**
2617	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/893,418	AALTONEN ET AL.	
	Examiner	Art Unit	
	Jean A. Gelin	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/13/06 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-27 are rejected under 35 U.S.C. 102(a) as being anticipated by Rebhan et al. (WO 99/33076).

Regarding claim 1, Rebhan teaches a method for locating a terminal for delivery of content in a broadcast network (page 17, line 4 to page 18, line 28) comprising: associating the terminal with a transmitter operable in another network (i.e., information consumer 190 is associated another network 130 to transfer locality of the consumer to transfer point 110, page 18, lines 30-35); interrogating the another network to determine the location of the transmitter (i.e., transfer point interrogates the consumer to establish transfer configuration via the second network 130, page 5, lines 11-19, page 23, line 20

to page 24, line 9); and attempting to deliver the content to the terminal at the location of the transmitter using one of a plurality of transmitters in said broadcast network (page 5, line 25 to page 6, line 3); and in response to determining that said first attempt failed, attempting to deliver said content to said terminal using more transmitters in said broadcast network than were used in said first attempt (if initial contact with the consumer is not possible, information on how contact can be made via a secondary bidirectional transfer network is provided, page 6, line 10 to page 7, line 31).

Regarding claims 2 and 3, Rebhan teaches a system for delivering content to a terminal in a broadcast network, the system comprising at least one terminal in a broadcast network, the terminal being associated with a transmitter in a mobile network (i.e., information consumer 190 is associated another network 130 to transfer locality of the consumer to transfer point 110, page 16, lines 19-22 and page 18, lines 30-35), wherein the broadcast network includes a processor operable to determine whether requested content is intended for use by a mobile network terminal or a broadcast network terminal, interrogate the mobile network to determine the location of the transmitter and deliver content to the terminal at the determined location (i.e., the transfer inherently includes a processor to determine when and how to transfer information to consumer, and select the transmitters to provide the information, page 5, lines 11-19, page 6, line 10 to page 7, line 31, page 23, line 20 to page 24, line 9).

Regarding claim 4, Rebhan teaches a head end apparatus for use in a first multi-transmitter broadcast network, the apparatus comprising a terminal locator operable in response to a request to deliver content to a terminal in the first network to obtain

terminal location information from a second, different network, a memory (database 120) having stored therein transmitter location information and a controller operable in response to the request to determine whether said terminal is mobile or fixed, transmit content to determine from the terminal and transmitter location information a suitable transmitter to deliver the content to the terminal (see page 5, line 10 to page 6, line 3, page 16, lines 22-25, page 18, line 1 to page 19, line 3).

Regarding claim 5, Rebhan teaches wherein the terminal locator is further operable to identify said second, different network type from said request (page 16, lines 22-26, page 21, line 25 to page 22, line 30).

Regarding claim 6, Rebhan teaches wherein the terminal locator is further operable to determine a source of said request (page 9, lines 20-28).

Regarding claim 7, Rebhan teaches further including a router connectable to a plurality of transmitters and operable to deliver the content to the suitable transmitter (page 9, lines 29-34).

Regarding claim 8, Rebhan teaches terminal for use with a first multi-transmitter broadcast network, including a receiver operable to receive content transmitted by a selected one of a plurality of transmitters of the first network (i.e.,DVB receiver receiving broadcasting information from the DVB network, page 9, lines 29-34 and page 16, lines 19-32) and a further transmitter connected to a second network from which the first network derives information relating to the location of the further transmitter to facilitate selection of the one transmitter wherein said terminal is configured to communicate with

said further transmitter using a wireless data link (page 9, lines 11-34, page 13, lines 14-27).

Regarding claim 9, Rebhan teaches wherein the further transmitter provides a back channel to send a request for specific content to the first network (page 9, lines 7-34 and page 11, lines 2-17).

Regarding claim 10, Rebhan teaches wherein the further transmitter is included in a mobile station interfaced with the terminal (page 16, lines 19-21).

Regarding claim 11, it has limitations similar to claim 1 recited above, hence the claim is rejected for the same reasons as set forth in the rejection of claim 1 above.

Regarding claim 12, Rebhan teaches wherein the further transmitter is integrated with the terminal such as the first and second networks share at least one common piece of equipment (fig. 1, the bidirectional transfer network 130 and the DVB network 140 share the transfer point 110).

Regarding claim 13, Rebhan teaches wherein the second network is bidirectional transfer network such as GSM, Nordic Mobile Telephone, PSTN, or the like (which can include a public land mobile network, page 4, line 30 to page 5, line 3).

Regarding claim 14, Rebhan teaches wherein the location information is derived from a Home Location Register of the public land mobile network (page 14, line 30 to page 15, line 15).

Regarding claims 15, 16, Rebhan teaches wherein the location information is derived by the combination of one or more transmitters frequency (corresponding to base station triangulation(, (page 19, lines 14-34).

Regarding claim 17, Rebhan teaches wherein the location information is obtained from a global positioning system receiver (page 18, lines 30-35).

Regarding claims 18, 20, Rebhan teaches method of delivering content using a selected transmitter of a first broadcast network to a first terminal in proximity to a second terminal in a second network comprises deriving location information relating to the second terminal from the second network (page 5, lines 11-19) and utilizing that information in the selection of a suitable transmitter (page 5, line 33 to page 6, line 3), and in response to a determination that said first terminal failed to successfully receive content sent by said selected transmitter, selecting a different transmitter of said first broadcast network and resending said content to said first terminal using said different transmitter (page 6, line 10 to page 7, line 31, page 24, line 10 to page 25, line 7).

Regarding claim 19, Rebhan teaches wherein the location information is derived from a Home Location Register of the public land mobile network (page 14, line 30 to page 15, line 15).

Regarding claim 21, Rebhan teaches wherein the terminal locator is further operable to determine a source of said request (pages 17 and 18).

Regarding claim 22 and 23, Rebhan teaches a router connectable to a plurality of transmitters and operable to deliver the content to the suitable transmitter (i.e., transfer point, page 9, line 29 to page 10, line 17).

Regarding claim 24, Rebhan teaches wherein the further transmitter is included in a mobile station interfaced with the terminal (i.e., transceiver connected to DVB receiver, page 16, lines 19-21).

Regarding claim 25, Rebhan teaches wherein the second network is bidirectional transfer network such as GSM, Nordic Mobile Telephone, PSTN, or the like (which can include a public land mobile network, page 4, line 30 to page 5, line 3).

Regarding claims 26-27, Rebhan teaches wherein the transmitter provides location information (i.e., the frequency of the transmitter is used to locate the information consumer 190, page 19, lines 14-17).

Response to Arguments

4. Applicant's arguments filed 3/13/06 have been fully considered but they are not persuasive. Claims 1-27 have been remapped to provide a better view on how the Examiner interprets them. (See rejection above).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Aaltonen et al.	US 20020025826	02/28/2002
Omar et al.	US 2004/0170155	09/02/2004

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Banks-Harold Marsha can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEAN GELIN
PRIMARY EXAMINER

JGelin
May 11, 2006